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DISTRICT OF UTAH  
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Stephen E.W. Hale (5285)  
Jonathan O. Hafen (6096)  
PARR, WADDOUPS BROWN GEE &  
LOVELESS  
Suite 1300  
185 South State Street  
Salt Lake City, UT 84111-1537  
Tel.: (801) 532-7840  
Fax: (801) 532-7750

Timothy S. Cole  
Maria V. Martin  
RUBIN & ASSOCIATES, P.C.  
MCS Building, Suite 202  
10 South Leopard Road  
Paoli, Pennsylvania 19301  
Tel.: (610) 408-2010

Attorneys for Merrill Lynch, Pierce,  
Fenner & Smith Incorporated

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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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MERRILL LYNCH, PIERCE, FENNER &  
SMITH, INC., a Delaware corporation,

Plaintiff,

vs.

RUSSELL K. CANNON, an individual,

Defendant.

**EX PARTE MOTION FOR LEAVE  
TO FILE OVERLENGTH  
MEMORANDUM**

Case No. 1:01CV-127

Honorable Tena Campbell

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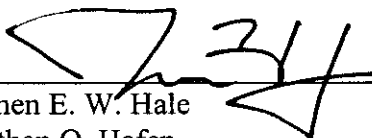
Plaintiff Merrill Lynch, Pierce, Fenner & Smith, Inc. (the "Plaintiff") respectfully moves this Court for leave to file an overlength brief with respect to its Reply Memorandum in Support of its Motion for a Temporary Restraining Order and Preliminary Injunction. The argument section of

19

Plaintiff's Memorandum is approximately twenty-nine pages in length. The additional pages are needed so as to provide the Court with a full understanding of the issues, factual allegations, and law regarding the issues relevant to the Motion for Preliminary Injunction. In addition, Defendant's Opposition Memorandum is 29 pages in length. A summary of the argument, pursuant to Rule 4-501 of the Judicial Council Rules of Judicial Administration, is included in Plaintiff's Supporting Memorandum in the form of the Introduction.

DATED this 23 day of October, 2001.

PARR WADDOUPS BROWN GEE & LOVELESS  
and RUBIN & ASSOCIATES



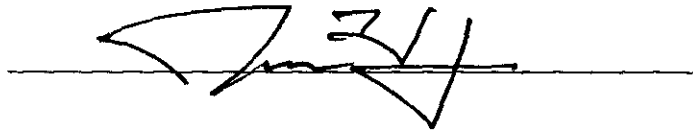
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Stephen E. W. Hale  
Jonathan O. Hafen  
Timothy S. Cole  
Attorneys for Plaintiff Merrill Lynch, Pierce, Fenner  
& Smith, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 23<sup>rd</sup> day of October, 2001, the foregoing **EX PARTE MOTION FOR LEAVE TO FILE OVERLENGTH MEMORANDUM**, was served by hand-delivery on the following:

Scott A. Hagen  
RAY QUINNEY & NEBEKER  
79 South Main Street  
P.O. Box 45385  
Salt Lake City, UT 84145-0385

A handwritten signature in black ink, appearing to read "S. Hagen", is written over a horizontal line.